

COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CONSUMER AFFAIRS AND BUSINESS REGULATION
**DEPARTMENT OF
TELECOMMUNICATIONS & ENERGY**
100 CAMBRIDGE STREET, 12TH FLOOR
BOSTON, MA 02202

A. PAUL CELLUCCI
GOVERNOR

JANE SWIFT
LIEUTENANT GOVERNOR

DANIEL A. GRABASKAS
DIRECTOR OF CONSUMER AFFAIRS
AND BUSINESS REGULATION

May 10, 1999

RECEIVED
MAY 12 1999
FCC MAIL ROOM

JANET GAIL BESSER
CHAIR
JAMES CONNELLY
COMMISSIONER
W. ROBERT KEATING
COMMISSIONER
EUGENE J. SULLIVAN, JR.
COMMISSIONER
PAUL B. VASINGTON
COMMISSIONER

SENT VIA FEDERAL EXPRESS

Magalie Roman Salas, Secretary
Federal Communications Commission
Portals II, 445 12th Street SW
Suite TW-A325
Washington, DC 20554

DOCKET FILE COPY ORIGINAL

re: NSD-L-99-33, DA 99-725, CC Docket 96-98
In the Matter of the Florida Public Service Commission's Petition for Authority to Implement
Number Conservation Measures

Dear Ms. Salas:

Enclosed for filing in the above matter please find one original and six copies of the Massachusetts Department of Telecommunications and Energy's Comments in Support of the Florida Public Service Commission's Petition for Authority to Implement Number Conservation Measures. Kindly stamp one copy and return it to us in the enclosed stamped, self-addressed Federal Express envelope.

I have filed a copy of these comments electronically with the Commission's ECFS service (proceeding number 96-98).

Sincerely,

Karlen J. Reed
Karlen J. Reed, Esq.

No. of Copies rec'd 0712
List A B C D E

KJR/kr

Enc.

cc: MDTE Commission (w/enc.)
Thomas E. Bessette, Acting General Counsel, MDTE (w/enc.)
Attached Service List (w/enc.)

No. of Copies rec'd
List A B C D E

Fax: (617) 723-8812 TTY: (800) 323-3298
www.magnet.state.ma.us/dpu/





The Commonwealth of Massachusetts
DEPARTMENT OF
TELECOMMUNICATIONS AND ENERGY

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

DA 99-725
NSD-L-99-33
CC Docket 96-98

RECEIVED
MAY 12 1999
FCC MAIL ROOM

MASSACHUSETTS DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY'S COMMENTS
IN SUPPORT OF THE FLORIDA PUBLIC SERVICE COMMISSION'S PETITION FOR AUTHORITY
TO IMPLEMENT NUMBER CONSERVATION MEASURES

Massachusetts Department of
Telecommunications and Energy

Janet Gail Besser, Chair
James Connelly, Commissioner
W. Robert Keating, Commissioner
Paul B. Vasington, Commissioner
Eugene J. Sullivan, Jr., Commissioner

100 Cambridge Street, 12th Floor
Boston, MA 02202
617-305-3500

Dated: May 10, 1999

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

DA 99-725
NSD-L-99-33
CC Docket 96-98

RECEIVED
MAY 12 1999
FCC MAIL ROOM

MASSACHUSETTS DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY'S COMMENTS
IN SUPPORT OF THE FLORIDA PUBLIC SERVICE COMMISSION'S PETITION FOR AUTHORITY
TO IMPLEMENT NUMBER CONSERVATION MEASURES

In response to the Common Carrier Bureau ("Bureau") of the Federal Communications Commission's ("FCC" or "Commission") Public Notice released April 15, 1999, the Massachusetts Department of Telecommunications and Energy ("Department") respectfully submits these comments in support of the Florida Public Service Commission's ("FPSC") Petition to Federal Communications Commission for Expedited Decision for Grant of Authority to Implement Number Conservation Measures filed April 2, 1999 ("Petition"). The FPSC seeks additional authority to (1) institute thousand-block, and perhaps 100-block, number pooling, (2) implement sharing of NXX codes in rate centers, (3) revise rationing measures and institute NXX lotteries before adoption of area code plans or establishment of a relief date, (4) reclaim unused and reserved central office codes, (5) maintain the current central office code rationing measures for at least six months after implementation of all area code relief plans, (6) expand deployment of permanent number portability, (7) implement unassigned number porting, (8) implement rate center consolidation, (9) use LINUS to run NXX reports quarterly, (10) require wireless carriers to provide the FPSC with Central Office Code Utilization Survey ("COCUS") information, and (11) require all code holders to provide the FPSC with utilization data at the block level (Petition at 3-6). The FPSC

also requests the Commission to direct the North American Numbering Plan Administration ("NANPA") to (1) update the COCUS quarterly, rather than annually, and (2) revise the code allocation standards to more efficiently manage numbering resources. The Department supports the FPSC's Petition because granting the Petition will allow Florida to create innovative solutions tailored to the numbering issues that are particular to Florida's circumstances.

I. BACKGROUND

On September 28, 1998, the Commission issued a Memorandum Opinion and Order which outlined state commission authority to order the implementation of exchange code conservation methods. In the Matter of Petition for Declaratory Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 312, 610, 215, and 717; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket No. 96-98, FCC 98-224, NSD File No. L-97-42 (published November 16, 1998, Fed. Reg., 13 FCC Rcd. 19009) ("Pennsylvania Opinion"). Several petitions for reconsideration, such as the Department's petition filed October 28, 1999,¹ are currently being considered by the Commission.

On April 2, 1999, the FPSC filed a petition for additional authority to permit the FPSC to create a Florida-specific solution to Florida's numbering crisis using a panoply of code conservation methods (Petition at 6). On April 15, 1999, the Commission issued a public notice seeking comment on the issues presented in the FPSC Petition.² Florida now joins Massachusetts, New York, Maine, and California in

¹ Massachusetts Department of Telecommunications and Energy's Petition for Reconsideration of the FCC's September 28, 1998, Opinion, filed October 28, 1998, NSD-L-97-42, CC Docket 96-98.

² FCC Public Notice - DA 99-638 "Common Carrier Bureau Seeks Comment on Maine Public Utilities Commission's Petition for Additional Authority to Implement Number Conservation Measures (NSD File No. L-99-27)."

having filed petitions with the FCC for additional authority to implement code conservation measures.³ Additionally, on April 12, 1999, U.S. Senator Susan Collins (R-ME) introduced legislation (Senate Bill 765) requiring the Commission to develop a plan for efficient allocation of telephone numbers by December 31, 2000.

II. DISCUSSION

The FCC has encouraged state commissions to develop creative and innovative solutions to numbering issues (Pennsylvania Opinion at ¶¶ 30-31). The petitions of Florida, Massachusetts, Maine, New York, and California are the first steps in developing such solutions. The Department supports Florida's petition because Florida's proposed code conservation measures offer significant opportunities to relieve the pressures of premature exchange code exhaust confronting Florida.

The Department has presented its supporting views on many of the code conservation methods enumerated by the FPSC in comments and reply comments filed by the Department on the state code conservation petitions; the Department respectfully will not consume the Commission's limited time with repeating those arguments. The Department draws the Commission's specific attention to two

³ The Department filed a Petition for Waiver to Implement a Technology-Specific Overlay in the 508, 617, 781, and 978 Area Codes on February 12, 1999 (FCC Public Notice DA 99-460, NSD-L-99-17, released March 4, 1999), and a Petition for Waiver of Section 52.19 to Implement Various Area Code Conservation Methods in the 508, 617, 781, and 978 Area Codes on February 17, 1999 (FCC Public Notice DA 99-461, NSD-L-99-19, released March 5, 1999). The New York State Department of Public Service filed a Petition for Additional Delegated Authority to Implement Number Conservation Measures on February 19, 1999 (FCC Public Notice DA 99-462, NSD-L-99-21, released March 5, 1999). The Maine Public Utilities Commission filed a Petition for Additional Delegated Authority to Implement Number Conservation Measures on March 17, 1999 (FCC Public Notice DA 99-638, NSD-L-99-27, released April 1, 1999). The California Public Utilities Commission filed a Petition for Delegation of Additional Authority on number conservation measures and a Petition for Waiver to Implement a Technology-Specific or Service-Specific Area Code on April 26, 1999. The FCC Public Notices on the California petitions are expected to be released shortly.

observations: (1) Florida's request to direct NANPA to update the COCUS report quarterly, rather than annually, and (2) NANPA's recent findings that the existing supply of exchange codes could last long as the year 2094 using 1,000 block number pooling, rather than exhausting in the year 2008 without 1,000 block number pooling.

A. NANPA Should Prepare Quarterly COCUS Reports

The Department strongly encourages the Commission to adopt the FPSC's request to direct NANPA to issue quarterly, not annually, COCUS Survey Reports because quarterly updates would provide valuable, timely information for states whose area codes have been declared in jeopardy.

For example, Massachusetts was faced with an immediate need for updated exhaust dates for the 508, 617, 781, 978 area codes in Eastern Massachusetts for incorporation in its area code relief plans. The annual COCUS results for 1999 have not yet been released, and the COCUS results for 1998 are more than a year old. Much has happened in that year, including the implementation of rationing procedures and the voluntary return of 224 NXX codes. NANPA's annual projected exhaust dates do not reflect those significant events. Recently, the Department requested NANPA to provide updated exhaust dates for the four Eastern Massachusetts area codes. NANPA interrupted its normal routines to expend additional time and effort and responded to Massachusetts' specific request on May 3, 1999. The Department greatly appreciates NANPA's willingness to accommodate this specific request. Quarterly updates would provide states like Massachusetts with better predictions and better time frames for relief planning and conservation efforts while allowing NANPA to avoid interruptions caused by special requests.

B. The Commission Should Require 1,000 Block Number Pooling to Save Area Codes

The FPSC, the Department, New York, Maine, and California all have advocated a delegation of authority to implement 1,000 block number pooling as a meaningful code conservation measure. On April

22, 1999, NANPA released the results of its studies on the 1KB (1,000) Pooling Model which clearly demonstrates the viability and need for this conservation method. NANPA summarizes its findings as follows:

The 1KB Pooling Model (Pooling Model) projects the impact of Thousands Block Pooling (1KB) Pooling) on NANP resources. 1KB Pooling provides TN [telephone number] resources to participating SPs [service providers] in blocks of 1,000 rather than in CO [central office] Code blocks of 10,000. . . . With all industry segments participating in 1KB Pooling, the expected date for NANP Exhaust is in the 2094 timeframe versus the 2008 timeframe without 1KB Pooling.

North American Numbering Plan Exhaust Study at 4-1 (rel. April 22, 1999). This study clearly demonstrates the effectiveness of implementing 1,000 block number pooling on exchange code supplies. The Department urges the Commission to mandate 1,000 block number pooling quickly to conserve vanishing exchange codes. In the interim, the Department requests the Commission to delegate to state commissions like the FPSC and the Department to mandate 1,000 block number pooling.

III. CONCLUSION

The Department supports the FPSC's Petition and the efforts of the FPSC to address its numbering issues with a multitude of code conservation methods. The Commission should delegate to the FPSC the requested additional authority and should direct NANPA to update the COCUS report quarterly, rather than annually, to create a more efficient, accurate numbering system. Furthermore, the Commission should act promptly to mandate 1,000 block number pooling and delegate interim authority to state commissions. The FPSC Petition presents useful, creative, and innovative proposals on code conservation for the Commission's consideration. For the foregoing reasons, we support the Petition to the Federal

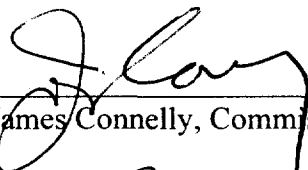
Communications Commission for Expedited Decision for Grant of Authority to Implement Number
Conservation Measures filed by the FPSC.

Respectfully submitted,

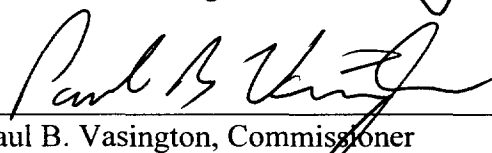
Massachusetts Department of
Telecommunications and Energy

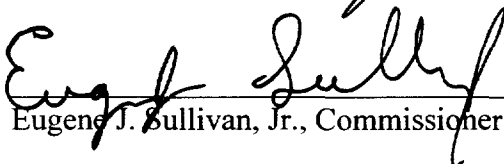
By:


Janet Gail Besser, Chair


James Connelly, Commissioner


W. Robert Keating, Commissioner


Paul B. Vasington, Commissioner


Eugene J. Sullivan, Jr., Commissioner

100 Cambridge Street, 12th Floor
Boston, MA 02202
617-305-3500

Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20054

The Florida Public Service Commission's)	
Petition to the Federal Communications Commission for)	DA 99-725, NSD-L-99-33
Expedited Decision for Grant of Authority to Implement)	CC Docket 96-98
Number Conservation Measures.)	

SERVICE LIST

Al McCloud (2 copies)
Network Services Division
Common Carrier Bureau
Federal Communications Commission
Portals II, 445 12th Street, S.W.
Room 6A-320
Washington, DC 20554

Yog R. Varma
Deputy Chief, Network Services Division
Common Carrier Bureau
Federal Communications Commission
445 12th Street, SW, Room C-345
Washington, DC 20554

Anna Gomez
Chief, Network Services Division
Common Carrier Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Network Services Division Reference Center
Portals II, 445 12th Street, S.W.
Suite CY-A257
Washington, DC 20554

International Transcription Service
1231 20th Street, N.W.
Washington, DC 20036

Lawrence E. Strickling, Chief
Common Carrier Bureau
Federal Communications Commission
1919 M Street NW Room 500
Washington, DC 20554

Levent Ileri
Division of Communications
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399

Joe Garcia, Chairman
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399

Helen M. Mickiewicz, Esq.
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

Louise Rickard
Acting Executive Secretary
Connecticut Public Utilities Commission
10 Franklin Square
New Britain, CT 06051

Trina M. Bragdon, Esq.
Maine Public Utilities Commission
242 State Street
August, ME 04333

Cheryl L. Callahan, Esq.
New York State Department of Public Service
Three Empire State Plaza
Albany, NY 12223-1350

David E. Screven, Esq.
Assistant Counsel
Pennsylvania Public Utilities Commission
PO Box 3265
Harrisburg, PA 17105

Philip F. McClelland, Esq.
Assistant Consumer Advocate
Office of Consumer Advocate
Office of Attorney General
555 Walnut Street, 5th Floor, Forum Place
Harrisburg, PA 17101-1923

J. Bradford Ramsay
NARUC
1100 Pennsylvania Avenue
Suite 603
Washington, DC 20004

Daniel Mitchell, Esq.
Assistant Attorney General
Regulated Industries Division
Office of the Attorney General
200 Portland Street, 4th floor
Boston, MA 02114

Wayne Milby
Lockheed Martin IMS
1133 15th Street N.W.
Washington, DC 20006

Cheryl Tritt, Esq.
Morrison & Foerester
2000 Pennsylvania Ave., N.W.
Washington, DC 20006

Barbara Anne Sousa, Esq.
Bell Atlantic-Massachusetts
185 Franklin St., Room 1403
Boston, MA 02110

Kenneth W. Salinger, Esq.
Palmer & Dodge LLP
One Beacon Street
Boston, MA 02108

Kenneth Ira Spigle, Esq.
Rosenberg, Freedman & Goldstein
246 Walnut Street
Newton, MA 02460

Elizabeth McJimsey, Esq.
Sprint Spectrum L.P. d/b/a Sprint PCS
4900 Main Street, 12th Floor
Kansas City, MO 64112

Ellen Schmidt, Esq.
Counsel, Director of Reg. Affairs
MediaOne Telecommunications of Massachusetts, Inc.
6 Campanelli Drive
Andover, MA 01890

Nathan T. Foose, Esq.
Martin Rothfelder, Esq.
The Rothfelder Law Offices
625 Central Avenue
Westfield, NJ 07090

Robert Shapiro, Esq.
Maribeth Ladd, Esq.
Rubin & Rudman, LLP
50 Rowes Wharf
Boston, MA 02110-3319

Michael Adams, Esq.
Benjamin Dickens, Jr., Esq.
Blooston, Mordkofsky, Jackson & Dickens
2120 L Street, N.W.
Washington, DC 20037

Harvey C. Kaish, Esq.
Teresa Moore, Esq.
McCarter & English
Four Gateway Center, P.O. Box 652
Newark, NJ 07101

Curtis L. Groves, Esq.
Hope H. Barbulescu, Esq.
MCI WorldCom
5 International Drive
Rye Brook, NY 10573-1095

Alan D. Mandl, Esq.
Ottenberg, Dunkless, Mandl & Mandl
260 Franklin Street, Suite 1880
Boston, MA 02110

Russell M. Blau, Esq.
Richard M. Rindler, Esq.
Kathleen L. Greenan, Esq.
Morton J. Posner, Esq.
Swidler Berlin Shereff Friedman, LLP
3000 K Street, NW Suite 300
Washington, DC 20007

Cathy Thurston, Esq.
State Regulatory Affairs/East
Sprint Communications Company, LP
1850 M Street, N.W., Suite 1100
Washington, DC 20036

Matthew H. Berns, Esq.
Focal Communications Corporation
200 North LaSalle Street
Chicago, IL 60601

John O. Postl, Esq.
William J. Rooney, Jr., Esq.
Global Naps, Inc.
10 Merrymount Road
Quincy, MA 02169

Scott Sawyer, Esq.
NEVD of Massachusetts, LLC
222 Richmond Street, Suite 206
Providence, RI 02903

Eric J. Krathwohl, Esq.
Rich, May, Bilodeau & Flaherty, P.C.
294 Washington Street
Boston, MA 02108

Jordan Michael, Esq.
CTC Communications Corp.
360 Second Avenue
Waltham, MA 02154